PTO/SB/26 (06-09)
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING	Docket Number (Optional)	
REJECTION OVER A "PRIOR" PATENT	67272-8061.US01	
In re Application of: Deshmukh et al.		
Application No.: 10/799,861-Conf. #1723		
Filed: March 12, 2004		
For: ON THE FLY SUMMARIZATION OF FILE WALK DATA		
The owner*. NetApp, Inc. , of	100 percent interest in the	
instant application hereby disclaims, except as provided below, the terminal part of the statutory	y term of any patent granted on the	
instant application which would extend beyond the expiration date of the full statutory term of prior as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said pr		
by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instan	nt application shall be enforceable	
only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.		
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant		
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer." in the event that said prior patent		
later:		
expires for failure to pay a maintenance fee; is held unenforceable;		
is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;		
has all claims canceled by a reexamination certificate;		
is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shorte	aned hy any terminal disclaimer.	
Check either box.1 or 2 below, if appropriate.	shed by any terminal arcola	
For submissions on behalf of a business/serrainties (s = compatible and subtraction)	unbornitic government agency.	
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information		
and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code		
and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.		
2. X The undersigned is an attorney or agent of record. Reg. No. 39,602		
2 The underlying is an automory or agoin an account in a second in a se		
/ _ /	June 18, 2009	
Signature	Date	
Jordan M. Becker		
Typed or printed name		
	(650) 838-4300	
	Telephone Number	
X Terminal disclaimer fee under 37 CFR 1:20(d) is included.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (ov	wner).	
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.		
i hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being trans system in accordance with § 1.6(a)(4).	smitted via the Office electronic filling	
Dated: June 18, 2009 Signature: Lew Welply	(Eileen Welply)	
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Dated: June 18, 300 9 Signature: Lim Welply	(Eileen Welply)	
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